

REMARKS

The Examiner is thanked for the thorough examination of this application. The Office Action, however, has rejected all claims 1-12 under 35 U.S.C. § 103(a) as allegedly unpatentable over the combination of U.S. patent 6,749,315 (to Moon) and U.S. patent 5,540,876 (to McGinty). Applicant has amended independent claims 1 and 7. For at least the reasons the follow, Applicant respectfully requests reconsideration and withdrawal of the rejections.

Independent claim 1 (as amended) recites:

1. A backlight module, comprising:
 - a first fixed seat having a plurality of grooves;
 - a second fixed seat having a plurality of grooves;
 - a first conductive device having a plurality of V-shaped scallops electrically connected each disposed in a corresponding groove of the first fixed seat;
 - a second conductive device having a plurality of V-shaped scallops electrically connected each disposed in a corresponding groove of the second fixed seat;
 - a plurality of lamps, disposed parallel to one another, each having a first end and a second end, wherein each first end is directly disposed in the corresponding V-shaped scallop of the first conductive device and each second end is directly disposed in the corresponding V-shaped scallop of the second conductive device;
 - a third fixed seat disposed on the first end for fixing the lamps; and
 - a fourth fixed seat disposed on the second end for fixing the lamps.

(*Emphasis added*). Applicant respectfully submits that amended claim 1 patently defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

The Office Action alleges that *Moon* discloses all limitations in claim 1 except for conductive members having v-shaped scallops. The Office Action then alleges that such a teaching is found in *McGinty*. In this regard, the Office Action referenced Figure 1 of *McGinty*,

stating “a heat radiation lamp assembly for a Furnace system wherein each end of the elongated lamps, which are in a parallel configuration, are secured in a v-shaped groove (10, 11) of a fixed support structure (12, 13).” Applicant respectfully disagrees with this applicant of the cited art.

Applicant respectfully refers the Examiner to the cover Figure and the specification of *McGinty*, Col. 3, Lines. 6-13, wherein *McGinty* states “extended spade-like terminals 7a, 7b at opposite ends of each lamp 7 are located in V-shaped grooves 10 and 11 of supporting members 12 and 13, respectively”. In other words, the ends of each lamp 7 are through extended spade-like terminals 7a, 7b to indirectly locate in V-shaped grooves. In reference to *McGinty*, one skilled in the art would have no idea which part in *McGinty* could be employed in *Moon*. For at least this reason, Applicant respectfully traverses the combination of *McGinty* and *Moon*.

Further, the Office Action failed to even allege where the “fourth fixed seat ...” element is disclosed in either *McGinty* or *Moon*. Applicant submits that this claimed feature is not disclosed in the cited art, and for at least this reason, the rejection is misplaced and should be withdrawn.

As a separate and independent basis for the patentability of claim 1, Applicant respectfully submits that the Office Action has failed to cite a proper motivation or suggestion for combining the cited references. For example, in combining *Moon* and *McGinty*, the Office Action stated only that the combination would have been obvious “because there is lack of any persuasive evidence of significance of the v-shaped configuration.” Office Action, p. 2. This alleged motivation is clearly improper in view of well-established Federal Circuit precedent.

It is well-settled law that in order to properly support an obviousness rejection under 35 U.S.C. § 103, there must have been some teaching in the prior art to suggest to one skilled in the art

that the claimed invention would have been obvious. W. L. Gore & Associates, Inc. v. Garlock Thomas, Inc., 721 F.2d 1540, 1551 (Fed. Cir. 1983). More significantly,

"The consistent criteria for determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that this [invention] should be carried out and would have a reasonable likelihood of success, viewed in light of the prior art. ..." Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure... In determining whether such a suggestion can fairly be gleaned from the prior art, the full field of the invention must be considered; for the person of ordinary skill in the art is charged with knowledge of the entire body of technological literature, including that which might lead away from the claimed invention."

(*Emphasis added.*) In re Dow Chemical Company, 837 F.2d 469, 473 (Fed. Cir. 1988).

In this regard, Applicant notes that there must not only be a suggestion to combine the functional or operational aspects of the combined references, but that the Federal Circuit also requires the prior art to suggest both the combination of elements and the structure resulting from the combination. Stiftung v. Renishaw PLC, 945 Fed.2d 1173 (Fed. Cir. 1991). Therefore, in order to sustain an obviousness rejection based upon a combination of any two or more prior art references, the prior art must properly suggest the desirability of combining the particular elements to derive a backlight module, as claimed by the Applicant.

When an obviousness determination is based on multiple prior art references, there must be a showing of some "teaching, suggestion, or reason" to combine the references. Gambro Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573, 1579, 42 USPQ2d 1378, 1383 (Fed. Cir. 1997) (also noting that the "absence of such a suggestion to combine is dispositive in an obviousness determination").

Evidence of a suggestion, teaching, or motivation to combine prior art references may flow, inter alia, from the references themselves, the knowledge of one of ordinary skill in the art, or from the nature of the problem to be solved. See In re Dembiczak, 175 F.3d 994, 1000, 50

USPQ2d 1614, 1617 (Fed. Cir. 1999). Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form, must nevertheless be "clear and particular." Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617.

If there was no motivation or suggestion to combine selective teachings from multiple prior art references, one of ordinary skill in the art would not have viewed the present invention as obvious. See In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); Gambro Lundia AB, 110 F.3d at 1579, 42 USPQ2d at 1383 ("The absence of such a suggestion to combine is dispositive in an obviousness determination.").

Significantly, where there is no apparent disadvantage present in a particular prior art reference, then generally there can be no motivation to combine the teaching of another reference with the particular prior art reference. Winner Int'l Royalty Corp. v. Wang, No 98-1553 (Fed. Cir. January 27, 2000).

Merely identifying some benefit (from hindsight) that results from a combination is not sufficient to justify the combination, and the motivation or suggestion must come from the prior art itself, and the Office Action has failed to identify such proper motivations. For at least this additional reason that the Office Action failed to identify proper motivations or suggestions for combining the various references to properly support the rejections under 35 U.S.C. § 103, the rejection of claim 1 should be withdrawn. As claims 2-6 depend from claim 1, these claims patently define over the cited art as well.

Independent claims 7 (as amended) recites:

7. A liquid crystal display device, comprising at least:
a display panel; and

a backlight module, disposed at the rear of the display panel, supplying light to the display panel, comprising:

a first fixed seat having a plurality of grooves;

a second fixed seat having a plurality of grooves;

a first conductive device having a plurality of V-shaped scallops electrically connected each disposed in a corresponding groove of the first fixed seat;

a second conductive device having a plurality of V-shaped scallops electrically connected each disposed in a corresponding groove of the second fixed seat;

a plurality of lamps, disposed parallel to one another, each having a first end and a second end, wherein each first end is directly disposed in the corresponding V-shaped scallop of the first conductive device and each second end is directly disposed in the corresponding V-shaped scallop of the second conductive device;

a third fixed seat disposed on the first end for fixing the lamps; and

a fourth fixed seat disposed on the second end for fixing the lamps.

(Emphasis added). Applicant respectfully submits that independent claim 1 patently defines over the cited art for at least the reason that the art fails to disclose those features emphasized above.

The features emphasized above are similar to the distinguishing features of claim 1.

Therefore, independent claim 7 patently defines over the cited art for at least the same reasons discussed above with respect to claim 1. As claims 8-12 depend from claim 7, they patently define over the cited art for at least the same reasons.

CONCLUSION

For at least the reasons described above, independent claims 1 and 7 are allowable over the cited references. Insofar as the independent claims define over the cited art, the remaining (dependent) claims patently define over the cited art as well.

Should Examiner feel that further discussion of the application and the Amendment is conducive to prosecution and allowance thereof, please do not hesitate to contact the undersigned at the address and telephone listed below.

No fee is believed to be due in connection with this Amendment and Response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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